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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IN RE: PORTFOLIO RECOVERY
12 ASSOCIATES, LLC, TELEPHONE
13 CONSUMER PROTECTION ACT
14 LITIGATION

Case No. 3:11-md-2295-JAH-BGS

15 **THIS DOCUMENT RELATES TO:**
16 3:10-cv-2658-JAH-BGS
17 3:11-cv-1008-JAH-BGS
18 3:11-cv-3057-JAH-BGS

**ORDER GRANTING
DEFENDANT'S MOTION TO RE-
CALENDAR MOTION TO
DISMISS [DOC. # 58]**

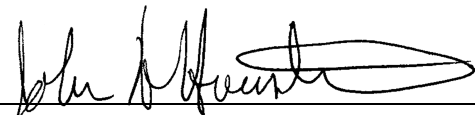
19 On June 22, 2012, plaintiffs from the Allen, Myer, Frydman actions ("Nationwide
20 Plaintiffs") filed a consolidated class action complaint. On July 20, 2012, defendants
21 named in the consolidated complaint, Portfolio Recovery Associates, LLC ("PRA, LLC")
22 and Portfolio Recovery Associates, Inc. ("PRA, Inc.") ("Defendants") filed a motion to
23 dismiss portions of the consolidated complaint. On August 3, 2012, the Nationwide
24 Plaintiffs filed an *ex parte* motion to take Defendants' motion to dismiss off calendar and
25 to lift the discovery stay in this matter to the extent necessary to permit jurisdictional
26 discovery as it relates to PRA, Inc. This Court, on August 10, 2012, granted the
27 Nationwide Plaintiffs' *ex parte* motion, thereby vacating the hearing set for defendants'
28 motion to dismiss.

1 On September 28, 2012, Defendants filed a notice of withdrawal of their motion
2 to dismiss as it relates to personal jurisdiction only, indicating that they intend to proceed
3 with their motion to dismiss on Federal Rule of Civil Procedure 12(b)(6) grounds. *See*
4 Doc. # 55. To that end, Defendants filed, on October 2, 2012, a motion seeking to re-
5 calendar their motion before this Court. Doc. # 58. The Nationwide Plaintiffs filed an
6 opposition to the re-calendaring motion and Defendants filed a reply thereto. *See* Docs.
7 # 59, 60. In addition, on October 9, 2012, the Nationwide Plaintiffs filed a motion
8 seeking leave to file a first amended complaint currently set for hearing on November 26,
9 2012.

10 Having considered the parties' submissions, the Court finds good cause to grant
11 Defendants' motion. Accordingly, **IT IS HEREBY ORDERED** that:

- 12 1. Defendants' motion to re-calendar their motion to dismiss [doc. # 58] is
13 **GRANTED;**
- 14 2. The hearing on Defendants' motion to dismiss, [doc. # 43], is rescheduled
15 to be heard on **November 26, 2012 at 2:30 p.m.;** and
- 16 3. The parties are directed to comply with the Federal Rules of Civil Procedure
17 and the Local Rules of this District in filing responsive pleadings to the
18 motion.

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20 Dated: October 12, 2012



JOHN A. HOUSTON
United States District Judge